

UNITED STATES DISTRICT COURT  
for the  
Western District of North Carolina

United States of America )  
v. )  
John Fitzgerald Witherspoon ) Case No: 5:98CR289-10  
Date of Previous Judgment: 10/28/99 ) USM No: 13831-058  
(Use Date of Last Amended Judgment if Applicable) ) Randolph Marshall Lee  
Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 180 months **is reduced to** 145 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 35 Amended Offense Level: 33  
Criminal History Category: IV Criminal History Category: IV  
Previous Guideline Range: 235 to 293 months Amended Guideline Range: 188 to 235 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.  
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
 Other (explain):

**III. ADDITIONAL COMMENTS**

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated 10/28/99 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: December 18, 2008

Effective Date: December 18, 2008  
(if different from order date)



Richard L. Voorhees  
United States District Judge

